

1 The City Council of the City of Seabrook met in regular session on Tuesday, October 15, 2019 at  
2 7:00 p.m. in Seabrook City Hall, 1700 First Street, Seabrook, Texas to discuss, consider and if  
3 appropriate, take action on the items listed below.

4  
5 **THOSE PRESENT WERE:**

6 **THOM KOLUPSKI**

**MAYOR**

7 **ED KLEIN**

**COUNCIL PLACE NO. 1**

8 **LAURA DAVIS**

**COUNCIL PLACE NO. 2**

9 **JEFF LARSON**

**COUNCIL PLACE NO. 3**

10 **NATALIE PICHA**

**MAYOR PRO TEM**

11  
12 **BUDDY HAMMANN – Ex. Abs.**

**COUNCIL PLACE NO. 4**

13 **JOE MACHOL**

**COUNCIL PLACE NO. 5**

14 **GAYLE COOK**

**COUNCIL PLACE NO. 6**

15 **SEAN LANDIS**

**CITY MANAGER**

16 **STEVE WEATHERED**

**DEPUTY CITY MANAGER**

17 **STEPHANIE MARTINEZ**

**CITY ATTORNEY**

**EXEC. ADMIN. ASST.**

18  
19 Mayor Kolupski called the meeting to order at 7:00 p.m. and led the audience in the United States  
20 and Texas Pledge of Allegiance.

21  
22 ***1. PRESENTATIONS***

23  
24 **1.1** Introduction of and administer the Oath of Office to new City of Seabrook EMS  
25 Paramedics Constance Robinson, Frank Weido, Robert Turner, Christi Krause, Mistie Young, and  
26 Austin Wood.

27  
28 Brad Goudie, Director of Emergency Services, thanked City Council for their support and the  
29 great equipment. The entire staff in the new EMS Department brings over 100 years of  
30 cumulative experience. They pour their heart and soul into the care they provide. Mr. Goudie  
31 stated he is so honored to bring forth this department. The lapel pins provided during the pinning  
32 ceremony are pins of excellence because that is what the department is all about.

33 Mayor Kolupski stated the decision to establish an emergency medical service department has  
34 been a huge endeavor that could only have been accomplished by the highly qualified  
35 professionals chosen to achieve it and make it a reality. Mayor Kolupski thanked Council for  
36 being in agreement that this department was a critical and necessary part of the City's first  
37 responder team. Mayor Kolupski thanked City Manager, Gayle Cook, and all City staff for  
38 working tirelessly to start a new department from scratch. Mayor Kolupski thanked Brad Goudie,  
39 Director of Emergency Services, for putting the EMS Department together in less than a year,  
40 with the recruiting, hiring, purchasing, and all the paperwork involved with the State. This is new  
41 and exciting chapter for the City of Seabrook.

Council announced their excitement for this new department and gave huge thanks to Mr. Goudie to taking on this monumental task. Mr. Goudie has put this department together with excellence and soon the City of Seabrook will see how truly excellent the EMS Department is.

City Manager, Gayle Cook, thanked Mr. Goudie for taking on this duty in a short period of time as creating a new EMS Department was not originally in the job description. Mr. Goudie's membership on the City of Seabrook's team has felt like he has been apart for a very long time.

**1.2** Presentation of Certificates of Appreciation to the 2019/2020 Charter Review Commission members.

Mayor Kolupski presented Certificates of Recognition to the 2019/2020 Charter Review Commission members and thanked them for their substantial contribution they made to the City of Seabrook.

## **2. PUBLIC COMMENTS AND ANNOUNCEMENTS**

*At this time we would like to listen to any member of the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum of four minutes for each speaker, shall be limited to City business or City-related business or matters of general public interest, and shall not include any personal attacks. In accordance with the Open Meetings Act, members may not discuss or take action on any item that has not been posted on the agenda. When your name is called, please come to the podium and state your name and address clearly into the microphone before making your comments. Thank you.*

Terry Moore, 2709 N. Meyer, spoke about Ordinance 2019-29. He stated research shows that Council last visited this item back in 2010. At that time, the major problem faced is children driving the golf cart, which is still a problem. Mr. Moore recommends postponing this change until the SH146 expansion project is complete so Council does not have to revisit this item twice. In section 90.202(c), how will the City enforce the alterations of speed? In section 90.203(d), it states a golf cart may only be operated on roadways where the speed limit is not greater than 30mph but the golf carts can only operate at a speed no greater than 15mph. There is a safety issue when traveling down Todville or Meyer. In section 90.203(i), how can one move to the right and yield without falling in the ditch on Meyer? In section 90.203(j), the rear facing seats are add-ons. In section 90.203(m), Council should consider adding a clause about open containers in golf carts since the Texas Transportation Code states that a golf cart is a motor vehicle and the Texas Penal Code states that there will be a penalty for an open container is found in a motor vehicle.

Jennifer Anderson, 2706 Carmel Woods Dr., voiced her support to allow golf carts on Lakeside and other Seabrook Communities legally. Many of the golf cart owners exercise these rights appropriately and because they have children they travel with caution. Golf carts are a great way to bring a sense of community to our neighborhood and appreciate the City's effort in wanting this to be done safely. It is an appealing quality to be able to travel to local business and school by golf cart. The traffic in El Lago is substansial and the golf carts give an alternate route for the parents to get their children to school in a timely manner. We still remain responsible and

86 vigilant of other golf cart owners that are not. It would be great to decrease the age to 5 to allow  
87 the transportation to the two schools in El Lago. Thank you Council for taking the time to  
88 consider these ordinances for making the community more golf cart friendly.  
89

90 Jackie Rasco, 4002 Lakepointe Forest, stated she is happy council is considering changes to the  
91 ordinance to better fit the community. However, the ordinance is restricting children under the  
92 age of 6 years old from being on a golf cart. Ed White School has kindergarteners who are 5  
93 years old. There is also a pre-k school being built nearby. This ordinance will not allow parents  
94 to transport their kids to school on a golf cart. Also, younger siblings will not be allowed on the  
95 golf cart. There are no ordinances for bicycles or adults traveling with baby seats attached to  
96 their bicycles. During school zone times, often times bicycles are traveling just as fast or almost  
97 as fast as the golf carts. The age of the passenger should be at the parent's discretion, not the  
98 City's. Parents are not going to intentionally put their children in danger. Parents know their  
99 children's comfort level and know their child's ability to listen and be safe. If the City wants to  
100 enforce a safety issue, they should enforce seatbelts to children at a certain age or height. How  
101 will the residents of Lake Cove get to travel on Repsdorph that has a section of the road posted at  
102 35mph when the golf carts are not allowed on road with a speed limit above 30mph? The school  
103 zone should be extended to the entrance of the neighborhood. To get to El Lago, we use the  
104 sidewalk on the roundabout since some drivers don't know how to drive or yield there. Seabrook  
105 should follow Texas State Law like El Lago does. It is confusing to know where Seabrook ends  
106 and El Lago starts. What about excluding certain streets like other cities do? There are a lot of  
107 factors to consider when the City is facing changes. Everyone wants to be safe, everyone wants  
108 to keep our children safe, and everyone wants to keep the small coastal town feel.  
109

110 Jennise Richardson-Lesak, 3105 Sea Channel Drive, stated she has been a Seabrook resident  
111 since 2007. She appreciated Council reviewing the Ordinance but changes still need to be  
112 addressed. In section 90.203(c) golf carts are prohibited on sidewalks and bike trails within the  
113 City limits. Does this mean the field the City owns between Lakeside and Seabrook Methodist  
114 Church? If so, this brings up traffic issues when taking kids to Ed White Elementary and add  
115 traffic congestion in El Lago. Once the improvements on the roadway are finished, are the speed  
116 limits on Lakeside going to change again? Would it be relevant to adopt the State Laws in  
117 regards to golf cart like El Lago to accommodate future speed limit changes? In section  
118 90.203(l), the exclusion of children under the age of 6 is also a problem since the age for  
119 kindergarteners is 5 years old. There are younger siblings who ride on the golf carts.  
120 Many neighboring communities do not have an age restriction on an occupant riding a golf cart.  
121 League City's ordinance states children must be properly seated and those under the age of 6  
122 must be properly restrained. The City should adopt an amendment.  
123

124 Phillip Sommer, 3013 South Island Dr., stated common sense should prevail on the golf cart  
125 ordinance. Residents from neighboring communities have embraced the golf carts and it makes  
126 for a wonderful lifestyle. It is an appealing aspect to be able to take kids to school on a golf cart.  
127 Kindergarten starts at the age of 5. Safety is on the parent's minds, no one wants to see their  
128 child hurt. Traveling by golf cart is safer than by bicycle. Mr. Sommer asked Council to please  
129 not take away this ability because some bad apples spoiled the bunch for those that follow the  
130 laws and are safe.

Darrin Cobb, 2802 Sea Channel Dr., stated thanks Council for reviewing the ordinance. Mr. Cobb believes the City should follow State Law in regards to golf cart so the City does not have to visit this ordinance again in a few years. There are some roadways that would make it difficult for a golf cart to pull over to the shoulder without falling into a ditch but Mr. Cobb has never witnessed a golf cart do that before. As a paramedic, Mr. Cobb has not seen a fatality on a golf cart. A restraint for a smaller children should be placed the golf cart and leave it for the parents discretion if their child is able to ride on a golf cart.

Milagros Tanega, Branch Manager of Evelyn Meador Library at 2400 N. Meyer Avenue, stated that Nation Friends of the Library Week is October 21-25. Nation Friends of the Library Week promotes group who support libraries across the county. The observance provides the opportunity for groups to increase awareness about membership opportunities, goals, and projects. As a volunteer organization, the programs raise money for library needs. They also help keep the public informed through displays, engage youth and teens, and so much more.

**2.1** Mayor, City Council, and/or members of City staff may make announcements about City/Community events, including other agency events and meetings attended by City Council members.

Councilmember Davis announced several upcoming events: Business Morning Brew, J/Fest Southwest, Fall Sweep, City-Wide Bird Count, Mayors Heart Walk, and Veterans Day Memorial Event.

Mayor Kolupski encouraged everyone to sign up and join the Mayors Heart Walk event at the boardwalk. It is a Mayors Challenge from all the neighboring cities. It is an easy walk and it is fun.

Councilmember Ed Klein announced that October 13-19, 2019 is International Credit Union Week. There is a meet and greet at La Brisa on October 16, 2019 for elected officials.

Mayor Pro Tem Picha announced she is a part of the nominating committee for the Transportation Policy Council. All of the nominations are being sought for the Transportation Policy Council and the Technical Advisory Committee.

The Council gave an update on the events and meetings with other organizations recently attended:

Councilmember Klein – attended the legislative Chamber of Commerce event, Gulf Coast Film Festival, the Chairman's Ball, the Bay Area Houston Economic Partnership event with Judge Hidalgo as a speaker, and the Dennis Paul BBQ Fundraiser

Mayor Pro Tem Picha – attended Celebration Seabrook and reminded council to attend the upcoming monthly Harris County Mayors' and Councils' Association meeting.

Councilmember Larson – attended Celebration Seabrook and the Gulf Coast Film Festival

Councilmember Machol – attended National Night Out and Celebration Seabrook

Mayor Kolupski – attended the Mayor Task Force with Bay Area Houston Economic Partnership in regards to the legislative session, Galveston Bay Park discussion about the coastal barrier, National Night Out, State of the Counties event with BayTran with the County Judge, State of the County Address with State Representatives and State Congress, the Chairman's Ball, the Seabrook Volunteer Fire Department Annual Banquet, and the Gulf Coast Film Festival

### **3. CONSENT AGENDA**

**3.1** Approve on second reading proposed Ordinance 2019-27, "Amendments to the Chesapeake Bay II PUD".

AN ORDINANCE AMENDING ORDINANCE 2018-09, APPROVING AMENDMENTS TO CHESAPEAKE BAY II PLANNED UNIT DEVELOPMENT ("PUD"), LOCATED IMMEDIATELY EAST OF RESPDORPH ROAD, SOUTH OF BRUMMERHOP PARK AND NORTH OF LARRABEE STREET, BY REVISING THE PLANNED UNIT DEVELOPMENT ("PUD") PLAN, REGULATIONS, RESTRICTIONS AND CONDITIONS, EXHIBIT B ("PLAN") ONLY IN RELATION TO THE "DEVELOPMENT REGULATIONS, MAXIMUM HEIGHT OF STRUCTURES", LIMITING STRUCTURES LOCATED WITHIN PHASE 4 OF THE ("PLAN") TO 3 STORIES, BUT ADDING A NEW SUBSECTION "(C)" TO ALLOW AN EXCEPTION INCREASING ELEVATION TO NOT MORE THAN 55 FEET ABOVE GROUND LEVEL, MEASURED FROM FINISHED GROUND ELEVATION TO MEAN ROOF HEIGHT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; AND PROVIDING FOR SEVERABILITY AND NOTICE

**3.2** Approve the minutes of the September 17, 2019 regular City Council meeting.

**3.3** Approve the minutes of the October 1, 2019 regular City Council meeting.

*Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Larson*

*To approve the Consent Agenda as presented*

**MOTION CARRIED BY UNANIMOUS CONSENT**

219 **4. NEW BUSINESS**

220  
221 **4.1** Consider and take all appropriate action on first reading of proposed Ordinance 2019-29,  
222 "Golf Cart Ordinance".

223  
224 AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, CHAPTER 90  
225 "TRAFFIC AND VEHICLES" ARTICLE VII, "REGULATION OF GOLF CARTS,"  
226 REGULATING THE USE OF GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS  
227 WITHIN THE CITY LIMITS; PROVIDING FOR A PENALTY IN AN AMOUNT OF NOT  
228 MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY  
229 PROVISIONS HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL  
230 ORDINANCES OR PARTS OR ORDINANCES INCONSISTENT OR IN CONFLICT  
231 HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR NOTICE

232  
233 Lieutenant Bryan Brand thanked the residents for giving their input and starting the discussion on  
234 this topic. The highlights of the ordinance are: amending previously prohibited use on roadways  
235 with a limit greater than 25 mph to 30 mph, amending children under the age of 10 to children  
236 under the age of 6 years as prohibited from riding on a golf cart, registration is now biannual  
237 instead of annual. Staff feels this is a great compromise to allow access to more streets and schools.

238  
239 Council discussion ensued as follows:

240  
241 City Staff is under the opinion that the City of Seabrook would not be affected by State Law when  
242 questioning how old someone has to be when riding a golf cart because the City is not a Master  
243 Plan Community as stated in Texas Transportation Code Section 551.403.

244  
245 In Section 90-205(1)(f), it is concerning that it does not explicitly stated that a license driver needs  
246 to be operating the golf cart. Because it is a vehicle, it should follow State Code in regards to  
247 licensed drivers.

248  
249 If the State of Texas already has laws, the City does not need to reinvent the wheel. We can adopt  
250 state law as our ordinance. The City should not be allowed to tell the parents how to raise their  
251 kids. If someone is being reckless on a golf cart, Seabrook Police should issue a citation or parents  
252 should punish their kids and not allow them to drive the golf cart.

253  
254 Having our own children attend Ed White Elementary, often time we would take the path that is  
255 there by foot or bicycle. There are traffic restrictions during school hours. However, parents should  
256 be practicing safety by follow the all laws out there, such as seatbelts and car seats. A golf cart is  
257 going on a street with other vehicles, where those peoples are wearing seatbelts. Granted a bicycle  
258 can also be on that street but a lot of bicyclists practice safety. They are wearing a helmet and/or  
259 they are on a bicycle path, they do not ride in main stream traffic. It is very concerning to just say  
260 you can take your golf cart anywhere throughout the City of Seabrook and it adds a big burden to  
261 the Seabrook Police Department to try and enforce the law. It is Councils responsibility to take  
262 safety seriously. The City of Seabrook is not a Master Plan Community. In a Master Plan  
263 Community, they specifically have golf carts paths. That is why this legislation does not work for

264 the City. City Staff has done a great job in putting together this ordinance as a compromise. The  
265 City already has a hard enough time regulating what is going on with SH146 and trying to maintain  
266 the accidents that are happening there. It is very important to maintain some level of safety for our  
267 children. Every few months there is a lamp post down in the Repsdorph Circle, and we would hate  
268 for that to be one of our children.

269  
270 Council is very aware of the predicament the residents are in in regards to traffic during school  
271 rush hours. Some of the current Councilmembers were the ones fighting for the cart path and  
272 school zone mentioned by the residents earlier years ago. We have seen the golf carts pass us by  
273 when we are going 15mph. We have seen a golf cart break suddenly with a child in the very back  
274 seat almost fall out if the mother wasn't holding on to them by the shirt into a path of oncoming  
275 traffic. These are the kind of incidents that set this ordinance in motion. Accidents happens, and  
276 Council does not an incident to happen between a golf cart and a regular vehicle. Changing the  
277 age requirement to 5 instead of 6 is acceptable because kindergarteners are 5 years old but  
278 children under that age of 5 are still developing their motor skills.

279 We run for Council because of stuff like this, we do hear the residents' concerns. We have  
280 almost all had an incident with a golf cart and then we also have incidents with small children on  
281 a bicycle. Can someone on a golf cart do better than someone on a bike, yeah. They all got to be  
282 safer. If it's good enough for the State to let a parent decide how old their child can be to be on  
283 the golf cart, then okay. We can put exceptions in the ordinance on what streets that cannot ride a  
284 golf cart on. We can do away with a child's age requirement and being consistent with the States  
285 speed limit at 35mph.

286 There has been heavy discussion on this item for the past month or so. What we have heard  
287 tonight is the comparison of what Clear Lake Shores and Kemah has. The 1,000 people that live  
288 in Clear Lake Shores do not have a speed limit about 20mph throughout the entire City. They do  
289 cross a busy street to get to stores but they don't cross the highway. Kemah is the same thing.  
290 They don't meet the requirement of a planned community but they are almost like a planned  
291 community. The State ordinance is written around that. Making that comparison is unfair. We  
292 are in favor of allowing the golf carts to take children to and from school and the new  
293 developments in progress but to open it up to the entire City is ludicrous. There is a lot of  
294 construction going on, and when we do have a 12 lane highway running across our city there will  
295 certainly be restrictions. Kemah is having the same issue. The highway is preventing them from  
296 getting to some retail areas. The City worked very hard with the County to get a road built into  
297 El Lago to reach the school but El Lago voted that down. The County would have paid for that  
298 road but El Lago was against it. Seabrook cannot control El Lago. The City is working hard. We  
299 do not want seat belts in carts because these carts were not made for seat belts. Our Police  
300 Department cannot take the responsibility of approving something that the manufacture has not  
301 recommended. A possible solution could be a child under the age of 5 can ride in a golf cart  
302 during school zone hours with a helmet on. As far as roads with a speed limit over 30mph, no

303 one can ride a golf cart on them. If one needs to cross into Lake Cove, the City has been talking  
304 about a dedicated path.

305 When the residents come to register their golf cart, there is a safety checklist that has to be met.  
306 Golf carts cannot go over 15 mph. If they do, then the cart was modified.

307 We have all had experiences of children riding the golf carts reckless. Those driving the golf  
308 carts do need to have a license and be of age. There is no problem with allowing golf carts to  
309 take children to and from school. A good compromise is a child under the age of 5 can ride in a  
310 golf cart during school zone hours with a helmet on.

311 *Motion was made by Councilmember Larson and seconded by Councilmember Machol*

312

313 *To make a change in the ordinance as written to age 5 and above*

314

315 *Ayes – Davis, Machol, Larson, Klein*

316

317 *Nays – Kolupski, Picha*

318

319 City Attorney, Steve Weathered, stated that on line 196 strike the “and” between “physical” and  
320 “mailing.” On line 219, change “noting” to “Nothing.” On line 220 add “operators/owners”  
321 before “operation.”

322 *Motion made by Mayor Pro Tem Picha second Councilmember Davis*

323 *To amend that during school zone hours children wearing a helmet under the age of 5 are*  
324 *allowed to be on the golf cart for the purpose of going to and from school*

325 *MOTION CARRIED BY UNANIMOUS CONSENT*

326

327 *Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Larson*

328

329 *To accept the ordinance as written with the 2 amendments previously voted on*

330

331 *Ayes – Kolupski, Picha, Larson, Davis, Klein*

332

333 *Nays – Machol*

334

335 **4.2** Consider and take all appropriate action on a proposal submitted by Cobb Fendley &  
336 Associates for Engineering Services for the City's CIP FAC-7, Public Safety Inspection Area, in  
337 an amount not to exceed \$56,833.00.

338

339 *Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Klein*

340



*To accept the proposal submitted by Cobb Fendley & Associates for Engineering Services for the City's CIP FAC-7 in an amount not to exceed \$56,833.00*

*MOTION CARRIED BY UNANIMOUS CONSENT*

**4.3** Consider and take all appropriate action on proposed Addendum 2019-1 to the Economic Development Agreement between the Seabrook Economic Development Corporation and WMF Investments, Inc. "Retail At The Commons" to provide an additional 12 month extension for the time for performance of the date of substantial completion from November 20, 2019 to November 20, 2020. This Addendum has been approved by the Seabrook Economic Development Corporation.

There are no time limits on a PUD. Should there be a time limit placed on a PUD? There are a number of PUDs sitting around for years with no action. It is not hurting anything because the Economic Development Corporation does not give any money to the developers until completion. Economic Development has allocated money for these projects and it sits on the books for years without being expended. This money is promised and it is just waiting to be used. Developers keep pushing projects down the road. What is the incentive for the developers with money promised for their PUD. We cannot force them to start on their project, but when they first came to us it was a big hurry to get the project started.

Council can set a precedence and not accept this extension and send it back to EDC.

There should be a time limit placed on these items because it is turning EDC into a bank and holding the money hostage until the developer decides when it's time to start on the project. By continuing to give extensions, we are allowing the developers to take their time. EDC should be incentivizing businesses to come to Seabrook.

The developer is the one coming to the City asking for a 12 month time extension because they have not had any lucky getting any tenants.

*Motion was made by Councilmember Davis and seconded by Councilmember Larson*

*To amend as currently written to 6 months instead of 12 months*

*Ayes – Kolupski, Picha, Davis, Klein, Larson*

*Nays – Machol*

*Motion made by Councilmember Davis and seconded by Councilmember Larson*

*To deny and make a recommendation to EDC to change their agreement to 6 months*

*Ayes – Kolupski, Picha, Davis, Klein, Larson*

380  
381 *Nays – Machol*  
382

383 **4.4** Consider and take all appropriate action on proposed Addendum 2019-2 to the Economic  
384 Development Agreement between the Seabrook Economic Development Corporation and Clay  
385 Cat Studio for an additional extension of two (2) months from October 21, 2019 to December 21,  
386 2019 for substantial completion of construction. This extension has been approved by the  
387 Seabrook Economic Development Corporation.  
388

389 The reason for a two month extension is there has been problems with getting supplies in and it is  
390 a construction issue. The project is near completion.  
391

392 *Motion was made by Councilmember Davis and seconded by Councilmember Klein*  
393

394 *To approve the proposed Addendum 2019-2 to extend the agreement with Clay Cat Studio and*  
395 *EDC by two months*  
396

397 **MOTION CARRIED BY UNANIMOUS CONSENT**  
398  
399

400 **4.5** Present, consider and take all appropriate action on the 2019/2020 Charter Review  
401 Commission Final Report and proposed Charter amendments for submission to the voters of  
402 Seabrook.  
403

404 John Chisler, Chair, announced he was please to represent the Charter Review Commission. The  
405 Charter Review Commission had seven super citizens that gave up their time for the last six  
406 months. Mr. Chisler acknowledged the work of the previous Charter Review Commission who  
407 made this review of the charter substantially easy. The Charter Review Commission acknowledged  
408 the great quality work of the City Secretary, Robin Lenio. There was a lack of citizen input which  
409 was concerning to the Charter Review Commission. The Mayor and City Staff made great inputs.  
410 Mr. Chisler stated Proposition 4 and Proposition 11 had much discussion from the Charter Review  
411 Commission.  
412

413 Mayor Pro Tem Picha stated Regulation of Franchises in section 10.07, the portion that was struck  
414 due to the outcome of the last legislation.  
415

416 Councilmember Davis stated that the Charter Review Commission turned in very comprehensive  
417 product. One can tell a lot of care went into it.  
418

419 *Motion was made by Councilmember Davis and seconded by Councilmember Klein*  
420

421 *To accept the Charter Review Commission Final Report and proposed Charter amendments as*  
422 *presented*  
423

424 **MOTION CARRIED BY UNANIMOUS CONSENT**

**4.6** Consider and take all appropriate action on a base rate adjustment for garbage and recycling collection pursuant to Sections 9.01 and 9.02 of the Municipal Solid Waste Agreement between the City of Seabrook and Waste Management of Texas, Inc., to become effective January 1, 2020, and updated on the Master Fee Schedule at the annual update in September, 2020.

City Manager, Gayle Cook, stated that the last increase was a recycling provision in the contract. This increase is part of the annual CPI.

*Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Klein*

*To approve item 4.6 as written*

**MOTION CARRIED BY UNANIMOUS CONSENT**

**4.7** Consider and take all appropriate action on a three (3) year Tourism Agreement between the City of Seabrook and the Bay Area Houston Convention and Visitor Bureau ("BAHCVB") in an amount equal to 15% of the City's Hotel Occupancy Tax revenues.

Director of Communications, LeaAnn Peterson, stated that this agreement was previously past three years ago and was budgeted for this year.

*Motion was made by Councilmember Klein and seconded by Councilmember Davis*

*To approve item 4.7 as written*

**MOTION CARRIED BY UNANIMOUS CONSENT**

**4.8** Consider and take all appropriate action on appointing Leo Silva with the Holiday Inn Express & Suites in Seabrook to the Bay Area Houston Convention and Visitors Board of Directors.

Director of Communications, LeaAnn Petersen, stated that the tourism agreement with the Bay Area Houston Convention and Visitor Bureau allows for three members of each city to be a part of the board of directors. There is a council seat, city staff seat, and a hotelier seat. Seabrook's hotelier seat has been vacant for several months. Leo, the manager of the new Holiday Inn expressed interest in the Bay Area Houston Convention and Visitor Bureau.

*Motion was made by Councilmember Klein and seconded by Councilmember Machol*

*To approve item 4.8 as written*

**MOTION CARRIED BY UNANIMOUS CONSENT**

**4.9** Consider and take all appropriate action on an appointment of a second council member to the Carother's Coastal Garden Task Force.

City Manager, Gayle Cook, announced that the current councilmember assigned to the task force is unable to attend. City Staff is asking for a second councilmember liaison. City Staff has let the Task Force know that Council will be having a report from the parks consultant for the master plan and it would be a priority to get a report back to Council from the Task Force.

*Motion was made by Mayor Pro Tem Picha and seconded by Councilmember Machol*

*To nominate Laura Davis to the Task Force*

**MOTION CARRIED BY UNANIMOUS CONSENT**

## **5. ROUTINE BUSINESS**

**5.1** Update and report on various items that require no action, including SH 146 Expansion Project, City of Seabrook CIP Projects, and City of Seabrook Grant Administration.

City Manager, Gayle Cook, gave the Council updates on the following items, pursuant to Attachment A:

- SH 146 Expansion
- Capital Improvement Projects
- Red Bluff Roadway Expansion Project
- Grant Administration

**5.2** Update on attendance at the 2019 Celebration Seabrook festival held on Saturday, October 12, 2019.

Director of Communications, LeaAnn Perersen, stated there was a 20% increase in attendance from 2018 to 2019. Ticket revenue increased by roughly 53% - note that VIP tickets were sold at \$50 per ticket. There was a 36% increase in beverage sales, a 6% decrease in sponsorships, and an 18% decrease in vendor fees. There was more than a 100% increase in merchandise sales, with \$449 in merchandise in 2018 and \$1,095 in merchandise in 2019. Ms. Petersen is anticipating being slightly below forecast budget and with about a 3-4% decrease in forecasted revenue there will either be a balanced budget or have a small amount to donate to charity this year.

Mayor Kolupski shared an email from Congressman Brian Babins Office that stated how wonderful the event was.

**5.3** Establish future meeting dates and agenda items.

The next regular City Council meeting will be held on Tuesday, November 5, 2019 at 7p.m. at City Hall Council Chambers.

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Upon motion duly made and seconded, Mayor Kolupski adjourned the meeting at 9:18 p.m.

Approved this 5<sup>th</sup> day of November, 2019.


DocuSigned by:  
*Robin Lenio*  
ECE1CD16D81445B...

FOR STEPHANIE  
MARTINEZ

Stephanie Martinez  
Executive Administrative Assistant

DocuSigned by:  
*Thomas G. Kolupski*  
94F424767CFF419...

Thomas G. Kolupski  
Mayor

DocuSigned by:  
  
ECE1CD16D81445B...

CITY MANAGER  
CITY COUNCIL UPDATE REPORT  
October 15, 2019

### **SH 146 Expansion**

Staff will be meeting next week for the monthly update with the contractors and TxDOT to receive latest updates. The Office of Community Relations has revised the SH146.com website to include a new calendar feature. It is the goal to give the public a better format for closures that are reported on the project and their duration.

Phase II – The second phase of the project is still anticipated to begin in November 2019. In this phase, expansion of the southbound side of the existing bridge is anticipated. If this phase begins next month, the current centerline south of NASA Parkway could be shifted to the east. The contractor is working with TxDOT to have the requested delineators installed or if this phase progresses, concrete barriers or barrels will be installed.

### **Capital Improvement Projects (CIP)**

#### **Pine Gully WWTP Ph. 1A (CIP Number WW9)**

FEMA and TDEM requested a revised Request for Information (RFI). On October 11, 2019, Jeff Galyean, Director of Emergency Management and Cobb Fendley finished compiling the requested information and it was electronically submitted.

#### **SH 146 City Utility Relocates (CIP W7 and WW8)**

Public Works and contract inspector continue to closely monitor utility relocations project with the contractor for the SH 146 Expansion. This past week the water line casing bore began at Main Street and SH 146.

#### **Marvin Circle Paving and Waterline Improvements (CIP S10)**

Engineering consultant and staff continue to work on outstanding quality control issues. Three panels at this job site had to be removed and re-poured. Staff will work with lab and anticipate remainder of the work to continue for curb and gutter.

#### **2019 Waterline Improvements – Pine Gully and Hester Gully crossings (CIP W17 and W18)**

Hester Gully Water Line bore complete and project is in final stage for withdrawal on that site. The Pine Gully water line is undergoing testing and should begin finish work in the following week.

### **Red Bluff Roadway Expansion Project**

Staff is working on an Amendment to the Advanced Funding Agreement with final numbers from bid. This amendment will be presented back to City Council for approval in November. A kick off meeting date is still pending.





To Mayor and City Council  
 From Gayle Cook, City Manager  
 Date October 15, 2019 (Presented at Council Meeting)  
 Subject Update on Grant Applications and Administration

## GRANT APPLICATION UPDATES

<i>Name of Grant</i>	<i>Amount</i>	<i>Submitted</i>	<i>Status</i>
2019 Transportation Alternatives (TA)/Safe Routes to School (SRTS) Call for Projects (CIP P2)	\$560,119	Outstanding	Application submitted August 5, 2019
2019 Office of the Governor, Criminal Justice Division (CJD) Automated Fingerprint Identification System (AFIS) Live Scan	\$30,000	Awarded	PD – Submitted 2/28/2019 Awarded 10/1/2019
2019 Conservation Grant – Texas Parks and Wildlife (2 Chimney Swift Habitats)	\$ 1,000	Awarded	Awarded - by CenterPoint EnergyWirebirds
2019 Rotary Grant Bay Area Veteran's Memorial	\$ 2,910	Awarded	Awarded June 2019
Keep Texas Beautiful Grant 2019 Governor's Community Achievement Award	\$ 0	2/15/19	Seabrook Awarded Gold Star Status

## HURRICANE HARVEY

<i>Name of Grant</i>	<i>Amount</i>	<i>Submitted</i>	<i>Status</i>
HMGP "System Retrofit" WWTP	\$35,308,265 (total) 75/25	8/15/2019	Application Submitted August 15, 2019; RFI Submitted 10/11/2019*
HMGP City Hall Flood Gates	\$100,000.00	1/31/2019	Pending No Change City Council Meeting – Approve to proceed January 15, 2019
Project 4278 (Emergency Protective Measures) 383	\$163,383.57	Notification of Award 09/30/2019	Pending Payment Submitted after meeting with FEMA on 6/5/2019
Project 4278 (Direct Administrative Costs )	\$ 18,935.90	In the FEMA System	Pending Payment

CITY MANAGER  
CITY COUNCIL UPDATE REPORT  
October 15, 2019

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